

~~SECRET~~

UNITED STATES
FOREIGN INTELLIGENCE SURVEILLANCE COURT
WASHINGTON, D.C.

ORDER

This matter is before this Court on the motion of the United States for an order under 50 U.S.C. § 1881a(j)(2) of the Foreign Intelligence Surveillance Act of 1978, as amended ("the Act"), extending to October 29, 2013, the time limits established by 50 U.S.C. § 1881a(i)(1)(B) and (C) for this Court to complete its review of, and issue orders under 50 U.S.C. § 1881a(i)(3) concerning, the amendments to DNI/AG 702(g)

Certifications

that are now pending before the

Court. In entertaining the government's motion, this Court has considered the following:

~~SECRET~~

Derived From: Submission to the USFISC
in Docket Number captioned above

~~SECRET~~

1. DNI/AG 702(g) Certifications [REDACTED]

[REDACTED] respectively, which expire on

September 24, 2013.

2. Included within DNI/AG 702(g) Certifications [REDACTED]

[REDACTED] ("the predecessor

certifications"). These amendments authorize the use of the minimization procedures

attached [REDACTED] to DNI/AG 702(g) Certifications [REDACTED]

[REDACTED] in connection with foreign intelligence information previously acquired in accordance with the predecessor certifications.

3. The government submitted DNI/AG 702(g) Certifications [REDACTED]

[REDACTED] and the amendments to the predecessor certifications to the Court on July 31, 2013.

4. By operation of 50 U.S.C. § 1881a(i)(1)(B) and (C), this Court is required to complete its review of, and issue orders under 50 U.S.C. § 1881a(i)(3) concerning, DNI/AG 702(g) Certifications [REDACTED] and the amendments to the predecessor certifications by August 30, 2013.

5. On August 13, 22, and 28, 2013, the government filed with the Court pursuant to Rule 13(b) of the Rules of Procedure for the Foreign Intelligence Surveillance Court

~~SECRET~~

~~SECRET~~

preliminary and supplemental notices of a compliance incident which concerned the

[REDACTED] post-tasking checks NSA conducts to help ensure that [REDACTED]

[REDACTED] tasked for collection pursuant Sections 702, 704, and 705(b) of the Act are not being used from inside the United States.

6. On August 28, 2013, the Court held a hearing to discuss with the government specific questions about this compliance matter. Although the government was able to provide additional information regarding this matter to the Court, including that this matter had been resolved with respect to ongoing collection, the government represented that its efforts to identify previously acquired data potentially subject to purge were ongoing, and that further information on those efforts would be available in the coming weeks. The government represented that this further information would be critical for the Court in order to fulfill its statutorily required review obligations with respect to the amendments to the minimization procedures for the predecessor certifications.

7. Because the record concerning these matters is incomplete, this Court has concluded that it will not be able to complete its review of, and issue orders under 50 U.S.C. § 1881a(i)(3) concerning, the amendments to the predecessor certifications by August 30, 2013. Without more information regarding the scope of overcollection resulting from the compliance incident described above, the Court will be unable to determine whether the minimization procedures submitted by the government for use

~~SECRET~~

~~SECRET~~

in connection with information previously acquired pursuant to the predecessor certifications are consistent with the statute.

8. The government has asserted that it will be able to supplement the record concerning these matters in a manner that will aid the Court in reviewing the amendments to the predecessor certifications, and in making the determinations necessary to issue orders under 50 U.S.C. § 1881a(i)(3). However, the government has represented that it will not be able to supplement the record until after August 30, 2013.

9. 50 U.S.C. § 1881a(j)(2) permits this Court, by order for reasons stated, to extend, as necessary for good cause in a manner consistent with national security, the time limit for this Court to issue orders under 50 U.S.C. § 1881a(i)(3) concerning the amendments to the predecessor certifications.

Having given full consideration to these matters, including the representations in the government's motion and representations made during the hearing conducted on August 28, 2013, this Court finds that there is good cause to extend the time limit for its review of the amendments to the predecessor certifications beyond August 30, 2013, and that such extension is consistent with national security.

~~SECRET~~

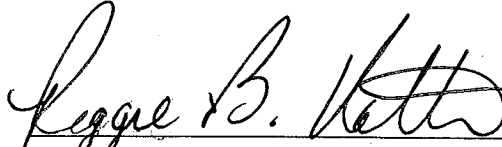
~~SECRET~~

WHEREFORE, IT IS HEREBY ORDERED that the government's motion is
GRANTED; and

IT IS FURTHER ORDERED, pursuant to 50 U.S.C. § 1881a(j)(2), that the time
limit for this Court to complete its review of, and issue orders under 50 U.S.C.
§ 1881a(i)(3) concerning, the amendments to DNI/AG 702(g) Certifications

is EXTENDED to October 29, 2013.

Signed _____ Eastern Time
Date Time



REGGIE B. WALTON

Judge, United States Foreign
Intelligence Surveillance Court

I, [exempt under b(6)] Chief Deputy
Clerk, FISC, certify that this document
is a true and correct copy of the
original [exempt under b(6)]
June 13, 2017, [exempt under b(6)] release

~~SECRET~~